Amendments to the Drawings:

The attached replacement sheets of drawings includes formal drawings of Figs.1-48 and replaces the original sheets including Figs. 1-48.

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

New corrected drawings in compliance with 37 CFR 1.121 (d) are required in this application because the submitted drawings are informal. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The applicant has submitted formal drawings.

2. Examiner objects to the specifications, because they are no descriptions for the figures provided in the application.

The applicant respectfully believes that the descriptions at page 4, lines 21-22, comply with the requirements of the rules, together with the descriptions of the figures that are contained in the rest of the specification. However, if the examiner continues to consider the descriptions on page 4 inadequate, the applicant will amend them.

Claims 36-40 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

With respect to claim 36, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, software per se, which is not one of the statutory subject matters.

With respect to claim 37, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101.

With respect to claim 38, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101.

With respect to claim 39, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101.

With respect to claim 40, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101.

Without conceding the examiner's position, claims 36 through 40 have been amended.

10. Claims 28-29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant believes that claims 28 and 29 comply with section 112 and respectfully ask the examiner for additional explanation.

> 11. With respect to claim 21, lines (5-12), "the repositories having formal and temporal inconsistencies. It is not clearly understood what formal inconsistencies are received and what temporal inconsistencies are enhanced. In addition the specification does not make clear the meaning of these terms. Appropriate clarification is required.

As the specification explains, the information is "aggregated from multiple separate sources, including sources for which the data has formal and temporal inconsistencies." (page 18, lines 7-8.)

The terms "formal" and "temporal" when used with the word "inconsistencies" have their plain English meanings. A formal inconsistency could include an inconsistency in the form or format of the data (for example, financial data from one source expressed in United States dollars and from another source expressed in Japanese yen), and a temporal inconsistency could include an inconsistency in time (for example, data from one source expressed weekly starting on Monday, and from another source expressed monthly starting on the first of the month).

> 13. Claims 1-16,18-24, 27-29, and 30-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ding et al. (Patent No US 6,691,067 Bl), hereinafter Ding.
>
> 14. With respect to claim 1, Ding discloses causing separate executable agents each to perform tasks on associated information that is changing over time, to produce current information (Column 2, lines 51-54), delivering inputs and outputs among agents to enable assembly of a body of aggregated and summarized management information (Column 2, lines 54-64 i.e. agent software collects metric data (takes the input) and stores sampled data into a registry (the output)), based on the current information, to be used to manage at least a portion of an enterprise (Column 2, lines 54-64).
>
> With respect to claim 21, Ding discloses obtaining current data to be used in connection with managing at least a portion of the enterprise (Column 7, lines 37-42), the data from different ones of the repositories having formal and temporal inconsistencies (Column 12, lines 12-21), enhancing the formal consistency of data received from different ones of the repositories (Column 14, lines 57-65), temporarily storing portions of the enhanced data to enhance temporal consistency of the data (Column 12, lines 13-21, i.e. often different metrics are not updated at the same time), using a model of the portion of the enterprise to analyze the temporally and formally enhanced data and to generate resulting management data (Column 11, lines 19-30), distributing the management data in a time frame that is current relative to the current data obtained from the repositories (Column 7, lines 63-67 continued through Column 8, lines 12-19), and the identity

of the current data changing adaptively over time based on the model and on the resulting management data that is to be distributed (Column 3, lines 47-56).

With respect to claim 30, Ding discloses processing enterprise data from distributed repositories in an assembly line fashion to produce management data that is useful in managing at least a portion of the enterprise (Column 7, lines 5-7), the assembly line including separate executable agents to perform tasks on the data, the agents including (Column 6, lines 29-36):

a. a cleansing agent to process data that would not otherwise be useful in producing the management data (Column 2, lines 63-64; Using the sampled metric data to build performance models for analysis and capacity planning i.e. , Sampling only data that is going to be useful in producing the management data and ignoring or discarding what is not sampled),

b. a normalizing agent to normalize the data (Column 10, lines 29-36),

c. a transformation agent to enhance the consistency of the data (Column 10, lines 42-45),

d. an assembler agent to assemble data to form the management data (Column 10, lines 36-38), and

e. a staging agent to form and stage data for further processing (Column 10, lines 47-49, continued through Column 11, lines 19-21),

f. the sequence and tasks of the agents in the pipeline being adaptable to changes in the portion of the enterprise being managed (Column 11, lines 33- 35).

41. With respect to claim 31, Ding discloses storing and updating, in a cube, multi- dimensional current data about a portion of an enterprise (Column 12, lines 11-18), storing, in a cube, data defining relationships between metrics used to manage a portion of the enterprise and the multi-dimensional current data (Column 6, lines 38-41), storing, in a cube, metadata about the multi-dimensional current data, and using the cubes to access current data in responding to queries, to generate management information useful in managing the portion of the enterprise (Column 10, lines 33-45).

With respect to claim 32, Ding discloses accumulating current information about an enterprise from distributed repositories using separate executable agents organized in a network model (Column 6, lines 63-67, continued through Column 7, lines1-15), the current information that is accumulated being determined by predefined analytical processes that are associated with functional aspects of the enterprise and that use the current information to produce functional information about the enterprise (Column 6, lines 63-67, continued through Column 7, lines1-15), the enterprise belonging to a class of enterprises (Column 6, lines 63-67, continued through Column 7, lines 1-15), and processing the functional information to produce resulting management information (Column 7, lines 5-14), the processing being done in an application that is reusable for other enterprises belonging to the class (Column 7, lines 5-14).

With respect to claim 36, Ding discloses a medium bearing instructions causing separate executable agents each to perform tasks on associated information that is changing over time, to produce current information (Column 2, lines 51-54), delivering inputs and outputs among agents to enable assembly of a body of aggregated and summarized management information (Column 2, lines 54-64 i.e. agent software collects metric data (takes the input) and stores sampled data into a registry (the output)), based on the current information, to be used to manage at least a portion of an enterprise (Column 2, lines 54-64).

With respect to claim 37, Ding discloses a medium bearing instructions obtaining current data to be used in connection with managing at least a portion of the enterprise (Column 7, lines 37-42), the data from different ones of the repositories having formal and temporal inconsistencies (Column 12, lines 12-21), enhancing the formal consistency of data received from different ones of

the repositories (Column 14, lines 57-65), temporarily storing portions of the enhanced data to enhance temporal consistency of the data (Column 12, lines 13-21, i.e. often different metrics are not updated at the same time), using a model of the portion of the enterprise to analyze the temporally and formally enhanced data and to generate resulting management data (Column 11, lines 19-30), distributing the management data in a time frame that is current relative to the current data obtained from the repositories (Column 7, lines 63-67 continued through Column 8, lines 12-19), and the identity of the current data changing adaptively over time based on the model and on the resulting management data that is to be distributed (Column 3, lines 47-56).

48. With respect to claim 38, Ding discloses a medium bearing instructions processing enterprise data from distributed repositories in an assembly line fashion to produce management data that is useful in managing at least a portion of the enterprise (Column 7, lines 5-7), the assembly line including separate executable agents to perform tasks on the data, the agents including (Column 6, lines 29-36):

a. a cleansing agent to process data that would not otherwise be useful in producing the management data (Column 2, lines 63-64; Using the sampled metric data to build performance models for analysis and capacity planning i.e. , Sampling only data that is going to be useful in producing the management data and ignoring or discarding what is not sampled),

b. a normalizing agent to normalize the data (Column 10, lines 29-36),

c. a transformation agent to enhance the consistency of the data (Column 10, lines 42-45),

d. an assembler agent to assemble data to form the management data (Column 10, lines 36-38), and
e. a staging agent to form and stage data for further processing (Column 10, lines 47-49, continued through Column 11, lines 19-21),

f. the sequence and tasks of the agents in the pipeline being adaptable to changes in the portion of the enterprise being managed (Column 11, lines 33- 35).

With respect to claim 39, Ding discloses a medium bearing instructions storing and updating, in a cube, multi-dimensional current data about a portion of an enterprise (Column 12, lines 11-18), storing, in a cube, data defining relationships between metrics used to manage a portion of the enterprise and the multi-dimensional current data (Column 6, lines 38-41), storing, in a cube, metadata about the multi-dimensional current data, and using the cubes to access current data in responding to queries, to generate management information useful in managing the portion of the enterprise (Column 10, lines 33-45).

With respect to claim 40, Ding discloses a medium bearing instructions accumulating current information about an enterprise from distributed repositories using separate executable agents organized in a network model, the current information that is accumulated being determined by predefined analytical processes that are associated with functional aspects of the enterprise and that use the current information to produce functional information about the enterprise, the enterprise belonging to a class of enterprises (Column 6, lines 63-67, continued through Column 7, lines1-15), and processing the functional information to produce resulting management information, the processing being done in an application that is reusable for other enterprises belonging to the class (Column 7, lines 5-14).

Claim 1 recites a method that can be used in an enterprise that includes managers who manage aspects of the enterprise using a body of aggregated and summarized information that is provided through an application used to manage the enterprise. The aggregated and

summarized information is temporally consistent and based on underlying data sets that represent revenues of the enterprise and that are generated or stored at respective locations of the enterprise. At least some of the data in different ones of the data sets are expressed in a manner that is temporally and formally inconsistent and the data of the underlying data sets change over time.

The method includes causing each of at least two different executable agents that are associated with respective underlying data sets to perform tasks on data in the associated underlying data set, to produce processed data, the processed data produced by the different executable agents being expressed in manner that is formally consistent, temporally consistent, and current with respect to the information to be provided through the application used to manage an enterprise. The method also includes delivering the processed data among the agents to enable assembly of a the body of aggregated and summarized information that is provided through the application used to manage an enterprise, based on the processed data, to be used to manage aspects of the enterprise.

Ding neither describes nor would have made obvious the features of claim 1.

To the contrary, Ding estimates statistics concerning system metrics to accurately and efficiently monitor of one or more computer systems. Ding's metrics measure computer system resources, as explained in this passage:

> … an enterprise management system might include a software agent on an individual computer system for the monitoring of particular resources such as CPU usage or disk access. (Ding, col. 1, lines 31-34.)

> In a sophisticated enterprise management system, tools for the analysis, modeling, planning, and prediction of system resource utilization are useful for assuring the satisfactory performance of one or more computer systems in the enterprise. (Ding, col. 1, lines 36-40.)

> Managers of the enterprise often employ software packages known as enterprise management systems to monitor, analyze, and manage the resources of the enterprise. … in the preferred embodiment, the enterprise management system 180 collects metrics such as CPU, disk I/O, file system usage, database usage, threads, processes, kernel, registry, logical volumes, and paging. (Id. Ding, col. 1, lines 26-28, col. 6, lines 38-41.)

Accordingly, Ding's enterprise to be managed is computer systems, and the system resources that concern Ding are computer system resources such as CPU, disk I/O, file system usage, database usage, threads, processes, kernel, registry, logical volumes, and paging. Ding

collects information related to these resources to monitor the computer systems. Ding does not describe and would not have made obvious managing an enterprise "based on underlying data sets that represent revenues of the enterprise," as recited in claim 1.

Claims 21, 30, 31, 32, 36, 37, 38, 39, and 40 are patentable for at least the same reason given for claim 1.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

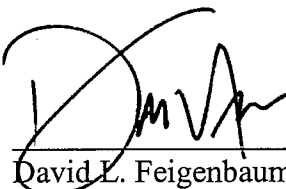Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

The fee of $230 for the Petition for Extension of Time fee is being paid on the electronic filing system by deposit account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket 16912-002001.

Respectfully submitted,

Date:_____

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